

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD AND APPARATUS FOR THE EARLY DIAGNOSIS OF SUBACUTE, POTENTIALLY CATASTROPHIC ILLNESS

the specification of which (check one):

is attached hereto

or

was filed on 17 March 1999
as United States Application No. 09/271,279

and

was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application, as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35 United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below. I have also identified below any foreign application for patent or Inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

<u>Appl. Serial No./Country</u>	<u>Filing Date</u>	<u>Status</u>	<u>Priority Claimed</u>
_____	_____	_____	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
_____	_____	_____	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
_____	_____	_____	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
_____	_____	_____	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

_____ Additional foreign applications are listed on an attached supplemental priority data sheet.

I hereby claim the benefit under Title 35, United States Code §120, of any United States applications or §365(c) of any PCT international application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in those prior applications in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>U.S. / PCT Appl. Serial No.</u>	<u>Filing Date</u>	<u>Status/ Patent No.</u>	<u>Priority Claimed</u>
_____	_____	_____	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
_____	_____	_____	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
_____	_____	_____	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

_____ Additional U.S. / PCT applications are listed on an attached supplemental priority data sheet

I hereby claim the benefit under Title 35, United States Code §119(e), of any United States provisional applications listed below:

<u>Application Number</u>	<u>Filing Date</u>
60/078,319	17 March 1998

And I hereby appoint:

Stuart J. Sinder
John C. Altmiller
David B. Bonham

Registration No. 25,377
Registration No. 25,951
Registration No. 34,297

my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all communications regarding this application to:

David B. Bonham
KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, DC 20005

Direct all telephone calls to:

David B. Bonham
at (202) 220-4200.

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First Inventor	: <u>M. Pamela GRIFFIN</u>
Inventor's Signature	: <u>M. Pamela May</u>
Date	: <u>May 17, 1999</u>
Residence	: <u>2275 Mechum Place</u> <u>Charlottesville, Virginia 22901</u>
Citizenship	: <u>U.S.</u>
Post Office Address	: <u>Same as above</u>

Second Inventor	: <u>J. Randall MOORMAN</u>
Inventor's Signature	: <u>J. Randall Moorman</u>
Date	: <u>5/17/99</u>
Residence	: <u>2275 Mechum Place</u>
	: <u>Charlottesville, Virginia 22901</u>
Citizenship	: <u>U.S.</u>
Post Office Address	: <u>Same as above</u>

189672

Applicant or Patentee: M. Pamela GRIFFIN et al.
Serial or Patent No.: 09/271,279
Filed or Issued: 17 March 1999
Title: Method And Apparatus for the Early Diagnosis of Subacute, Potentially Catastrophic Illness

Attorney's
Docket No. 10406/4

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(i) & 1.27(b)) – INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office regarding the invention entitled Method And Apparatus for the Early Diagnosis of Subacute, Potentially Catastrophic Illness

the specification filed herewith
 application serial number 09/271,279, filed 17 March 1999
 patent number , issued

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:*

No such person, concern, or organization
 Persons, concerns or organizations listed below*

*Note: Separate verified statements are required from each named person, concern or organization having rights to the invention according to their status as small entities. (37 CFR 1.27)

NAME **UNIVERSITY OF VIRGINIA PATENT FOUNDATION**

ADDRESS 1224 West Main Street, Suite 1-110, Charlottesville, Virginia 22903

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of my change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

M. Pamela GRIFFIN
NAME OF INVENTOR
M. Pamela Griffin
Signature of Inventor
May 17, 1999
Date

Randall MOORMAN
NAME OF INVENTOR
Randall Moorman
Signature of Inventor
5/17/99
Date

NAME OF INVENTOR

Signature of Inventor

Date

189674\10406/4

Applicant or Patentee: M. Pamela GRIFFIN et al.
Serial or Patent No.: 09/271,279

Attorney's
Docket No.: 10406/4

Filed or Issued: 17 March 1999

Title: METHOD AND APPARATUS FOR EARLY DIAGNOSIS OF SUBACUTE, POTENTIALLY CATA-
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS STROPHIC ILLNESS
(37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION THE UNIVERSITY OF VIRGINIA PATENT FOUNDATION
ADDRESS OF NONPROFIT ORGANIZATION 1224 West Main Street, Suite 1-110
Charlottesville, Virginia 22903

TYPE OF NONPROFIT ORGANIZATION

UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
 TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
 NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
 WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
 WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention entitled METHOD AND APPARATUS FOR EARLY DIAGNOSIS OF by inventor(s) M. Pamela GRIFFIN et al. described in: SUBACUTE, POTENTIALLY CATASTROPHIC ILLNESS

the specification filed herewith.
 application serial no. 09/271,279 filed 17 March 1999
 patent no. _____ issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention according to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

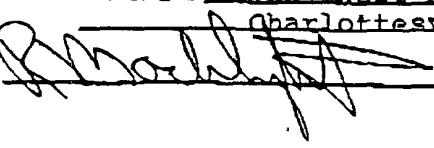
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Robert S. MacWright

TITLE IN ORGANIZATION OF PERSON SIGNING Executive Director & Chief Operating Officer

ADDRESS OF PERSON SIGNING 1224 West Main Street, Suite 1-110

Charlottesville, VA 22903

SIGNATURE 

DATE May 13, 1999



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JANUARY 04, 2001

PTAS

KENYON & KENYON
IRMA SCHEUGENPFLUG
1500 K STREET, NW
SUITE 700
WASHINGTON, DC 20005



101508818A

jc841 U.S. PTO
09/770653
01/29/01

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/13/2000

REEL/FRAME: 011206/0489

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

UNIVERSITY OF VIRGINIA, THE

DOC DATE: 06/11/1999

ASSIGNEE:

UNIVERSITY OF VIRGINIA PATENT
FOUNDATION, THE
1224 WEST MAIN STREET
SUITE 1-110
CHARLOTTESVILLE, VIRGINIA 22903

SERIAL NUMBER: 09271279

FILING DATE: 03/17/1999

PATENT NUMBER:

ISSUE DATE:

SEDLEY PYNE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ENTERED
010901

ASSIGNMENT

WHEREAS, the University of Virginia, Washington Hall E. Range, Charlottesville, Virginia 22903 (the "Assignor") possesses the entire right, title and interest for and in an invention entitled

"METHOD AND APPARATUS FOR THE EARLY DIAGNOSIS OF SUBACUTE, POTENTIALLY CATASTROPHIC ILLNESS"

described in U.S. Patent Application No. 09/271,279, filed on March 17, 1999, and claiming priority to U.S. Provisional Patent Application No. 60/078,319, filed March 17, 1998, entitled "DEVICE TO MAKE THE EARLY DIAGNOSIS OF SUBACUTE, POTENTIALLY CATASTROPHIC ILLNESS;" and

WHEREAS, The University of Virginia Patent Foundation, a non-profit organization having a place of business at 1224 West Main Street, Suite 1-110, Charlottesville, Virginia 22903 (the "Assignee") is desirous of acquiring the entire right, title and interest in and to the aforesaid invention and any improvements thereon, and in and to said applications for Letters Patent thereon in the United States, its territories and possessions ("United States") and all foreign countries, including rights to claim priority, to any provisional applications, and in and to any Letters Patent of the United States or any foreign country which may be granted therefor, including any and all reissues, divisions, continuations, continuations-in-part, renewals, substitutes or extensions thereof.

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor has sold, assigned, transferred and conveyed, and does hereby sell, assign, transfer and convey to Assignee, its successors and assigns, the entire right, title and interest in and to the aforesaid invention and any improvements thereon, and in and to said applications for Letters Patent thereon in the United States and all foreign countries, including all rights to claim priority, to any provisional applications, and in and to any and all Letters Patent of the United States or any foreign country which may be granted therefor, including any and all reissues, divisions, continuations, continuations-in-part, renewals, substitutes or extensions thereof, and in and to all income, royalties, damages and payments now or hereafter due or payable with respect to any Letters Patent which may be granted, and in and to all causes of action (either in law or in equity), and the right to sue, counterclaim, and recover for past, present and future infringement of the rights assigned or to be assigned under this Assignment, as fully and entirely as the same would have been held and enjoyed by Assignor if this sale and assignment had not been made;

AND Assignor hereby authorizes and requests the appropriate governmental officials to issue any and all such United States or foreign Letters Patent under said invention, or resulting from any of said applications thereof, to the Assignee, as the assignee of the entire right, title and interest in and to the same;

AND Assignor hereby represents, warrant and covenant that it has the full right to convey the entire interest herein assigned, that its has not executed and will not execute any instrument or assignment in conflict herewith, and that the rights assigned herein are not otherwise encumbered by any grant, license or right;

AND Assignor further covenants and agrees that Assignors will at any time upon request make, execute and deliver without further compensation, any and all other instruments in writing, including further applications, papers, affidavits, power of attorney, assignments, and other documents, and do all lawful acts and things, which, in the opinion of counsel for said Assignee, its successors and assigns, may in any country be required or necessary more effectively to secure to and vest in said Assignee, its successors and assigns the entire right, title and interest in and to said invention and improvements, applications, Letters Patent, rights, titles, benefits, privileges, and advantages hereby sold, assigned, transferred and conveyed, and that Assignor will sign any applications for reissue, division, continuation, continuation-in-part, renewal, substitute or extension of said application for Letters Patent or any resulting Letters Patent;

AND Assignor further covenants and agrees that Assignor will at any time upon request communicate to the Assignee, its successors, assigns or other legal representatives any facts relating to the aforesaid invention known to it, and will testify as to the same in any interference, litigation, mediation, arbitration or other proceeding when requested to do so.

IN WITNESS WHEREOF, said Assignor has hereunto set its hand and seal.

Signature of
Representative for Assignor:

Representative's Title:

Date of Execution:

City of Charlottesville
COUNTY OF)
)
) ss:
STATE OF VA)



Associate Vice Provost for Research

June 11, 1999

On this 11th day of June, 1999, before me, a Notary Public in and for the County and State aforesaid, personally appeared DAVIN J. Hudson, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument and acknowledged the same to be of his free act and deed.

Cathryn J. Hood
Notary Public

My commission expires: January 30, 2008



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER

OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

AUGUST 05, 1999

PTAS

KENYON & KENYON
DAVID B. BONHAM
1500 K STREET, N.W., SUITE 700
WASHINGTON, D.C. 20005



101056863A

jc841 U.S. PTO
09/70653
01/29/01

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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RECORDATION DATE: 05/28/1999

REEL/FRAME: 009995/0523

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

GRIFFIN, M. PAMELA

DOC DATE: 03/17/1999

ASSIGNOR:

MOORMAN, J. RANDALL

DOC DATE: 03/17/1999

ASSIGNEE:

UNIVERSITY OF VIRGINIA, THE
WASHINGTON HALL E.RANGE
CHARLOTTESVILLE, VIRGINIA 22903

SERIAL NUMBER: 09271279

FILING DATE: 03/17/1999

PATENT NUMBER:

ISSUE DATE:

KIMBERLY WHITE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT

WHEREAS, we, M. Pamela Griffin, a citizen of the United States, and J. Randall Moorman, a citizen of the United States, both residing at 2275 Mechum Place, Charlottesville, Virginia 22901 (the "Assignors"), have made an invention entitled

**"METHOD AND APPARATUS FOR THE EARLY DIAGNOSIS OF
SUBACUTE, POTENTIALLY CATASTROPHIC ILLNESS"**

described in U.S. Patent Application No. 09/271,279, filed on March 17, 1999, and claiming priority to U.S. Provisional Patent Application No. 60/078,319, filed March 17, 1998, entitled "DEVICE TO MAKE THE EARLY DIAGNOSIS OF SUBACUTE, POTENTIALLY CATASTROPHIC ILLNESS;" and

WHEREAS, The University of Virginia, Washington Hall E. Range, Charlottesville, Virginia 22903 (the "Assignee"), is desirous of acquiring the entire right, title and interest in and to the aforesaid invention and any improvements thereon, and in and to said applications for Letters Patent thereon in the United States, its territories and possessions ("United States") and all foreign countries, including rights to claim priority, to any provisional applications, and in and to any Letters Patent of the United States or any foreign country which may be granted therefor, including any and all reissues, divisions, continuations, continuations-in-part, renewals, substitutes or extensions thereof.

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and conveyed, and do hereby sell, assign, transfer and convey to Assignee, its successors and assigns, the entire right, title and interest in and to the aforesaid invention and any improvements thereon, and in and to said applications for Letters Patent thereon in the United States and all foreign countries, including all rights to claim priority, to any provisional applications, and in and to any and all Letters Patent of the United States or any foreign country which may be granted therefor, including any and all reissues, divisions, continuations, continuations-in-part, renewals, substitutes or extensions thereof, and in and to all income, royalties, damages and payments now or hereafter due or payable with respect to any Letters Patent which may be granted, and in and to all causes of action (either in law or in equity), and the right to sue, counterclaim, and recover for past, present and future infringement of the rights assigned or to be assigned under this Assignment, as fully and entirely as the same would have been held and enjoyed by Assignors if this sale and assignment had not been made;

AND Assignors hereby authorize and request the appropriate governmental officials to issue any and all such United States or foreign Letters Patent under said invention, or resulting from any of said applications thereof, to the Assignee, as the assignee of the entire right, title and interest in and to the same;

AND Assignors hereby represent, warrant and covenant that Assignors have the full right to convey the entire interest herein assigned, that Assignors have not executed

and will not execute any instrument or assignment in conflict herewith, and that the rights assigned herein are not otherwise encumbered by any grant, license or right;

AND Assignors further covenant and agree that Assignors will at any time upon request make, execute and deliver without further compensation, any and all other instruments in writing, including further applications, papers, affidavits, power of attorney, assignments, and other documents, and do all lawful acts and things, which, in the opinion of counsel for said Assignee, its successors and assigns, may in any country be required or necessary more effectively to secure to and vest in said Assignee, its successors and assigns the entire right, title and interest in and to said invention and improvements, applications, Letters Patent, rights, titles, benefits, privileges, and advantages hereby sold, assigned, transferred and conveyed, and that Assignors will sign any applications for reissue, division, continuation, continuation-in-part, renewal, substitute or extension of said application for Letters Patent or any resulting Letters Patent;

AND Assignors further covenant and agree that Assignors will at any time upon request communicate to the Assignee, its successors, assigns or other legal representatives any facts relating to the aforesaid invention known to Assignors, and will testify as to the same in any interference, litigation, mediation, arbitration or other proceeding when requested to do so.

IN WITNESS WHEREOF, Assignors have hereunto set their hands and seals.

Signature of Inventor:

M. Pamela Griffin
M. Pamela Griffin
2275 Mechum Place,
Charlottesville, VA 22901

Inventor's Name:

Inventor's Address:

Date of Execution:

May 17, 1999

City
COUNTY OF)
Charlottesville) ss:
STATE OF VIRGINIA)

On this 17th day of May, 1999, before me, a Notary Public in and for the County and State aforesaid, personally appeared M. Pamela Griffin, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument and acknowledged the same to be of his free act and deed.

Cathryn T. Good
Notary Public

My commission expires: January 30, 2003

Signature of Inventor:

Inventor's Name:

Inventor's Address:

Randall Brown

J. Randall Moorman
2275 Mechum Place,
Charlottesville, VA 22901

Date of Execution:

May 17, 1999

City
COUNTY OF)
Charlottesville) ss:
STATE OF VA)

Cathleen J. Doan

Notary Public

My commission expires:

January 30, 2023